

Message Text

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SUBJ: NARCOTICS LAWS

REF: STATE 170187

1. AS REQUESTED IN REFTTEL, POST SUBMITTING FOLLOWING INFORMATION.

2. (1-A) - THERE IS A DIFFERENTIATION MADE BETWEEN POSSESSION OF SOME NARCOTICS AND OTHERS. SPECIFICALLY, PENALTIES FOR COCA LEAVES, COCAINE, OPIUM, MORPHINE, OPIUM POPPIES, CODEINE, HEROIN, BENZEDRINE, AND DEMEROL ARE HARSHER THAN FOR MARIJUANA OR HASHISH. FOR THE FORMER GROUP, JUDGMENTS RANGE FROM JAIL SENTENCES OF THREE MONTHS TO TWO YEARS AND/OR A FINE OF 550-28,000 BURUNDI FRANCS (6 U.S. DOLS.-300 U.S. DOLS). FOR THE LATTER GROUP, SENTENCES OF 15 DAYS TO ONE YEAR AND/OR FINES OF 280-2,800 BURUNDI FRANCS (3 U.S. DOLS.-30 U.S. DOLS.) ARE PRESCRIBED.

(1-B) - ANY AMOUNT IS PUNISHABLE.

(1-C) - POSSESSION IS VIEWED NO DIFFERENTLY THAN SALE, TRANSPORT, OR ANY OTHER ACTIVITY. WITHIN THE RANGE STATED ABOVE PENALTIES ARE AT THE DISCRETION OF JUDICIAL AUTHORITIES.

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3. (2-A) - THE LAW CONSOLIDATES ALL CONTROLLED SUBSTANCES INTO A GENERAL TRAFFICKING OFFENSE.

(2-B) - MAXIMUM AND MINIMUM PENALTIES ARE DESCRIBED ABOVE; THERE ARE NO MANDATORY SENTENCING REQUIREMENTS. PROVISIONAL LIBERTY PROCEDURES ARE EXPLAINED IN 5-E BELOW.

(2-C) - ANYONE CAN BE PROSECUTED FOR THE SALE, ACQUISITION, POSSESSION, FREE DISTRIBUTION, IMPORT OR EXPORT OF ANY OF THE ABOVE DRUGS. NOR CAN ANYONE TRANSPORT NARCOTICS OR CAUSE NARCOTICS TO BE TRANSPORTED. THERE IS NO PENALTY ATTACHED TO ASSOCIATION WITH TRAFFICKERS OR PRODUCERS, NOR IS THERE AN OFFENSE RELATING TO CONSPIRACY TO TRAFFIC, IMPORT, OR EXPORT NARCOTIC DRUGS.

4. (3-A) - THE CULTIVATION OF CANNABIS, COCA, OR OPIUM POPPIES IS TREATED THE SAME WAY AS POSSESSION OR ANY OTHER ACTION LISTED ABOVE AND IS PENALIZED THE SAME WAY AS FOR THE TWO GROUPS OF DRUGS. THERE IS NO DIFFERENCE IN THE EYES OF THE LAW.

(3-C) - THE MANUFACTURE OF ANY SUBSTANCE FROM CANNABIS, COCA LEAVES OR OPIUM POPPIES IS TREATED NO DIFFERENTLY THAN ANY OTHER OFFENSE LISTED ABOVE.

4. (4-A) - CAUSING TO CULTIVATE, "ELABORATE", OR TRAFFIC IN NARCOTICS IS PUNISHABLE ACCORDING TO THE SAME PENALTIES AS LISTED ABOVE.

(4-B) - UPON ENTRANCE, FOREIGNERS MUST DECLARE THEIR FOREIGN CURRENCY HOLDINGS AND ARE ASKED TO SHOW PROOF. CONVERSION BACK INTO FOREIGN CURRENCY IS ALLOWED UP TO THE LEVEL DECLARED UPON ARRIVAL. THERE ARE NO EXTERNAL ACCOUNTS IN LOCAL BANKS. UNLIMITED DOLLAR TRAVELER'S CHEQUES, HOWEVER, ARE AVAILABLE.
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6. (5-A) - PREVENTIVE OR INVESTIGATIVE DETENTION CAN BE EMPLOYED IN CASES WHERE THE ALLEGED OFFENSE COULD EARN A SENTENCE OF AT LEAST SEVEN DAYS. PREVENTIVE DETENTION IS SUPPOSED TO LAST FIFTEEN DAYS, BUT CAN BE EXTENDED AN ADDITIONAL MONTH. IF THE PRESUMED INFRACTION IS PUNISHABLE BY A JAIL SENTENCE OF AT LEAST TWO MONTHS, THIS PERIOD OF DETENTION CAN BE PROLONGED INDEFINITELY AFTER EACH MONTH. CONSULAR ACCESS IS PERMITTED DURING THIS PERIOD AND EMBASSY IS NOTIFIED.

(5-B) - NO INFORMATION AVAILABLE.

(5-C) - NO INFORMATION AVAILABLE.

(5-D) - LEGAL COUNSEL IS NOT FREE. NARCOTICS CASES ARE FEW AND FAR BETWEEN, SO CANNOT FURNISH ANY INFORMATION ON THE ADEQUACY OF LOCAL LAWYERS IN NARCOTICS CASES, NOR IS THERE A USUAL FEE.

(5-E) - CONDITIONAL LIBERTY IS GRANTED WITH THE POSTING OF BAIL.

(5-F) - NO INFORMATION AVAILABLE.

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